

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL NO. 3:98CV394

**CALVIN R. LUCKEY, and wife PEGGY)
G. LUCKEY; THEODORE BALLARD,)
JR.; FLOYD J. BOWMAN; WILLIE J.)
BURT, JR.; CLEMENT KEENE, and)
wife BARBARA JO DEATHERAGE)
KEENE; JUDY HORNE MARTIN,)
Individually and as Executrix of the)
Estate of Ray E. Martin, Deceased;)
GENE A. SHIRES, and wife HELEN)
SHIRES; JACKSON J. SMITH, and)
wife CAROLYN S. SMITH; JOHN)
WESLEY SMITH, and wife BETTY M.)
SMITH; ROGER FRANKLIN THOMAS,)
and wife ELLA SHINN THOMAS;)
DONNIE BAILEY; HAZEL S. BOONE,)
Individually and as Executrix of the)
Estate of Billy H. Boone, Deceased;)
RAYMOND L. MOORE; HAZEL B.)
MULLIS, Individually and as)
Executrix of the Estate of Jerry R.)
Mullis, Deceased; JIMMY W. NEAL,)
SR., and wife DOREEN K. NEAL;)
JOHN A. NOBLE, III, and wife)
WENDY ROBIN HASTINGS NOBLE;)
ROGER D. SMITH, and wife MARGIE)
P. SMITH; WILLIAM E. SMITH;)
WALTER D. THOMPSON; RONNER)
BYERS, and wife FRANCES W.)
BYERS; RICHARD ALLEN JONES,)
and wife JUDY ANN FINK JONES;)
TONY E. ROGERS, and wife)
PATRICIA LaDONNE C. ROGERS;)**

KENNETH G. SMITH, and wife)
 MARGARET SMITH; DAVID R.)
 TURNER; DAVID R. WHITESIDE, SR.,)
 and wife LINDA L. WHITESIDE;)
 DOROTHY YOUNG, as Administrator)
 of the Estate of Victor E. Yount,)
 Deceased; SYLVIA L. JOHNSON,)
 Executrix of the Estate of Clarence)
 Luckey, Sr., Deceased,)

Plaintiffs,)

Vs.)

ORDER

A.W. CHESTERTON, INC.;)
 NORTH BROTHERS, INC., a/k/a)
 National Services Industries, Inc.;)
 MINNESOTA MINING AND)
 MANUFACTURING COMPANY, INC.;)
 OWENS-ILLINOIS, INC.; and)
 RAPID AMERICAN CORPORATION,)

Defendants.)

THIS MATTER is before the Court pursuant to the parties' notification that all claims in controversy between the Plaintiffs and the remaining Defendants have been settled with the exception of claims against the Defendant A. W. Chesterton. Those claims remain for trial beginning April 9, 2007.

IT IS, THEREFORE, ORDERED that the parties submit stipulations of dismissal, consent judgments, joint motions to dismiss, or other settlement documents closing this case on or before 90 days from entry of this Order. Should the Plaintiffs and Defendant Chesterton settle their claims before the April 9 trial date, this deadline would apply to the dismissal of those claims as well.

IT IS FURTHER ORDERED that sanctions will be imposed on any party failing to abide by this deadline absent a showing of good cause therefor.

Signed: April 2, 2007

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

